

Senate Study Bill 1182 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

A BILL FOR

1 An Act relating to requirements of the department of human
2 services involving individuals and families.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DIVISION I

CHILD CARE RESOURCE AND REFERRAL AGENCIES

Section 1. Section 237A.26, Code 2011, is amended to read as follows:

237A.26 Statewide resource and referral services — grants.

1. The department shall administer the funding for a statewide grant program for child care resource and referral services. ~~Grants shall only be awarded to community-based nonprofit incorporated agencies and public agencies.~~ Grants shall be awarded to facilitate the establishment of regional resource and referral agencies throughout the state, ~~based upon the distribution of the child population in the state.~~

2. The department shall provide oversight of and annually evaluate an agency which is awarded a grant to provide resource and referral services to a region. For the purposes of this section, "agency" means an incorporated nonprofit agency, public agency, or private company.

3. An agency which receives a grant to provide resource and referral services shall perform both of the following functions:

a. Organize assistance to child care homes and child ~~development homes~~ care facilities utilizing training levels based upon the ~~homes'~~ child care providers' degrees of experience and interest.

b. Operate in partnership with both public and private interests and coordinate resource and referral services with existing community services.

4. An agency, ~~to be eligible to receive a grant to provide resource and referral services, must~~ may be required by the department to match the grant with financial resources equal to at least twenty-five percent of the amount of the grant. The financial resources may include a private donation, an in-kind contribution, or a public funding source other than a separate state grant for child care service improvement.

5. An agency, to be eligible to receive a grant to provide

1 resource and referral services, must have a board of directors
2 if the agency is an incorporated nonprofit agency or must have
3 an advisory board if the agency is a public agency or private
4 company, to oversee the provision of resource and referral
5 services. The board shall include providers, consumers, and
6 other persons interested in the provision or delivery of child
7 care services.

8 6. An agency which receives a child care resource and
9 referral grant ~~shall~~ may be awarded funding to provide all
10 various child care-related services, which may include but are
11 not limited to any of the following services:

12 a. Assist families in selecting quality child care. The
13 agency must provide referrals to registered and licensed child
14 care facilities, and to persons providing care, supervision,
15 and guidance of a child which is not defined as child care
16 under section 237A.1 and may provide referrals to unregistered
17 providers.

18 b. Assist child care providers in adopting appropriate
19 program and business practices to provide quality child care
20 services.

21 c. Provide information to the public regarding the
22 availability of child care services in the communities within
23 the agency's region.

24 d. Actively encourage the development of new and expansion
25 of existing child care facilities in response to identified
26 community needs.

27 e. Provide specialized services to employers, including the
28 provision of resource and referral services to employee groups
29 identified by the employer and the provision of technical
30 assistance to develop employer-supported child care programs.
31 The specialized services may include but are not limited to
32 working with employers to identify networks of recommended
33 registered and licensed child care providers for employee
34 groups and to implement employer-supported quality improvement
35 initiatives among the network providers.

1 ~~either of the following:~~

2 ~~a.—An an individual, as defined in section 237.1, subsection~~
3 ~~7, who is licensed to provide child foster care and shall also~~
4 ~~be known as a “licensed foster home”.~~

5 ~~b.—A guardian appointed on a voluntary petition pursuant~~
6 ~~to section 232.178, or a voluntary petition of a ward pursuant~~
7 ~~to section 633.557, or a conservator appointed on a voluntary~~
8 ~~petition of a ward pursuant to section 633.572, provided the~~
9 ~~ward has an income that does not exceed one hundred fifty~~
10 ~~percent of the current federal office of management and budget~~
11 ~~poverty guidelines and who does not have resources in excess~~
12 ~~of the criteria for resources under the federal supplemental~~
13 ~~security income program. However, the ward’s ownership of~~
14 ~~one residence and one vehicle shall not be considered in~~
15 ~~determining resources.~~

16 Sec. 3. Section 237.13, subsection 5, Code 2011, is amended
17 by striking the subsection.

18 Sec. 4. REPEAL. Section 217.40, Code 2011, is repealed.

19 DIVISION III

20 EARNED INCOME TAX CREDIT INFORMATION

21 Sec. 5. Section 217.36, Code 2011, is amended to read as
22 follows:

23 **217.36 Distribution Provision of earned income tax credit**
24 **information.**

25 1. The department shall ensure that educational materials
26 relating to the federal and state earned income tax credits
27 are provided in accordance with this section to each household
28 receiving assistance or benefits under:

29 a. The hawk-i program under chapter 514I.

30 b. The family investment program under chapter 239B.

31 c. The medical assistance Act under chapter 249A.

32 d. The food and food assistance programs defined in section
33 234.1 which are administered by the department.

34 e. Any other appropriate programs administered by, or under
35 the oversight of, the department of human services.

1 on order of the juvenile court ~~or court~~, any placement made or
2 adoption petition filed under this chapter or chapter 600A and
3 may report its resulting recommendation to the juvenile court
4 ~~or court~~.

5

DIVISION VI

6 RETAINING CHILD IN NEED OF ASSISTANCE COMPLAINT INFORMATION

7 Sec. 8. Section 232.81, subsection 4, Code 2011, is amended
8 by striking the subsection.

9

DIVISION VII

10 REGISTRY ACCESS — CERTIFIED NURSE AIDES AND JUVENILE SHELTER
11 AND DETENTION FACILITY VOLUNTEERS

12 Sec. 9. Section 232.142, subsection 4, Code 2011, is amended
13 to read as follows:

14 4. The director shall adopt minimal rules and standards for
15 the establishment, maintenance, and operation of such homes as
16 shall be necessary to effect the purposes of this chapter. The
17 rules shall apply the requirements of section 237.8, concerning
18 employment and evaluation of persons with direct responsibility
19 for a child or with access to a child when the child is alone
20 and persons residing in a child foster care facility, to
21 persons employed by, ~~or~~ residing in, or volunteering for a
22 home approved under this section. The director shall, upon
23 request, give guidance and consultation in the establishment
24 and administration of the homes and programs for the homes.

25 Sec. 10. Section 235A.15, subsection 2, paragraph e, Code
26 2011, is amended by adding the following new subparagraphs:

27 NEW SUBPARAGRAPH. (20) To the administrator of a certified
28 nurse aide program, if the data relates to a record check of a
29 student of the program performed pursuant to section 135C.33.

30 NEW SUBPARAGRAPH. (21) To the administrator of a juvenile
31 detention or shelter care home, if the data relates to a record
32 check of an existing or prospective employee, resident, or
33 volunteer for or in the home.

34 Sec. 11. Section 235B.6, subsection 2, paragraph e, Code
35 2011, is amended by adding the following new subparagraphs:

1 NEW SUBPARAGRAPH. (16) To the administrator of a certified
2 nurse aide program, if the data relates to a record check of a
3 student of the program performed pursuant to section 135C.33.

4 NEW SUBPARAGRAPH. (17) To the administrator of a juvenile
5 detention or shelter care home, if the data relates to a record
6 check of an existing or prospective employee, resident, or
7 volunteer for or in the home.

8 DIVISION VIII

9 MEDICAID FAMILY PLANNING SERVICES

10 Sec. 12. Section 249A.3, subsection 2, paragraph a,
11 subparagraph (10), Code 2011, is amended to read as follows:

12 (10) ~~Women~~ Individuals eligible for family planning
13 services under a federally approved demonstration waiver.

14 EXPLANATION

15 This bill relates to the department of human services. It is
16 organized into divisions.

17 CHILD CARE RESOURCE AND REFERRAL AGENCIES. This division
18 relates to the grants administered by the department for child
19 care resource and referral agencies in Code section 237A.26.
20 The department's responsibilities for the program are revised
21 so that the department is responsible for the program funding
22 rather than the program itself. A requirement to facilitate
23 establishment of the regional agencies based on child
24 population is removed. A requirement in current law focusing
25 services on child care homes and registered child development
26 homes is expanded to include child care facilities, which
27 brings in child care centers. A restriction that grantees must
28 either be a nonprofit or public agency is removed.

29 The bill makes the current 25 percent matching funds
30 requirement for a grantee discretionary, to be determined by
31 the department. The current list of services required to be
32 provided by a grantee is made selective. The requirement for a
33 grantee to designate funding for a substitute caregiver program
34 for when a provider is unable to provide care is eliminated.

35 GUARDIAN AND CONSERVATOR TRAINING — FOSTER HOME INSURANCE

1 FUND. This division amends Code section 237.13, requiring
2 the department to administer the foster home insurance fund.
3 The provisions in subsections 1 and 5 providing eligibility
4 for coverage to voluntary guardians, low-income wards, or
5 conservators appointed under Code chapter 633 are eliminated.
6 Code section 217.40, requiring the department to establish
7 training programs to assist all appointed guardians and
8 conservators in understanding their fiduciary duties and
9 liabilities, the special needs of the ward, and how to best
10 serve the ward and the ward's interests, is repealed.

11 EARNED INCOME TAX CREDIT INFORMATION. This division revises
12 the department's responsibilities regarding provision of
13 information to the departmental clients concerning the earned
14 income tax credit. A requirement for the department to send
15 an informational mailing regarding the credit and assistive
16 resources to clients in January each year is eliminated along
17 with a proviso that the required mailing does not have to be a
18 separate mailing.

19 UNIT FOR SEXUALLY VIOLENT PREDATORS — BARBERING LICENSE
20 EXEMPTION. This division amends Code section 158.2, relating
21 to persons exempted from the barbering licensing requirements.
22 The amendment adds to the list of persons a person committed to
23 the custody of the director of the department of human services
24 in the unit for sexually violent predators who cuts the hair or
25 trims or shaves the beard of any other person within the unit,
26 without receiving direct compensation from the person receiving
27 the service.

28 ADOPTION PLACEMENT INVESTIGATIONS AND REPORTS. This
29 division relates to adoption placement investigations and
30 reports performed by the department under Code section 600.8.
31 Current law allows the department to investigate any voluntary
32 adoption placement made or adoption petition filed under Code
33 chapters 600 and 600A and requires such investigation when
34 ordered by the juvenile court or court. Under the bill, the
35 juvenile court-ordered investigation requirement is maintained

1 and the court-ordered requirement is removed.

2 RETAINING CHILD IN NEED OF ASSISTANCE COMPLAINT INFORMATION.

3 This division amends Code section 232.81 to remove a
4 restriction prohibiting a person or agency from maintaining
5 records of child in need of assistance complaints that were
6 dismissed without the filing of a petition.

7 REGISTRY ACCESS — CERTIFIED NURSE AIDES AND JUVENILE
8 SHELTER AND DETENTION FACILITY VOLUNTEERS. This division
9 amends Code section 232.142, relating to juvenile shelter and
10 detention homes, Code section 235A.15, relating to access to
11 child abuse registry information, and Code section 235B.6,
12 relating to dependent adult abuse registry information. Access
13 is provided for the administrator of a certified nurse aide
14 program, if the data relates to a record check of a student
15 of the program performed pursuant to Code section 135C.33,
16 and for the administrator of a juvenile detention or shelter
17 care home, if the data pertains to an existing or prospective
18 employee, resident, or volunteer for or in the home. Current
19 law authorizes the checks for persons employed by or residing
20 in such homes but provides the registry access through other
21 Code provisions.

22 MEDICAID FAMILY PLANNING SERVICES. This division amends
23 Code section 249A.3, relating to eligibility for the medical
24 assistance (Medicaid) program, by revising an existing optional
25 category. The amendment removes a restriction limiting
26 eligibility for family planning services under a federally
27 approved demonstration waiver to only women.